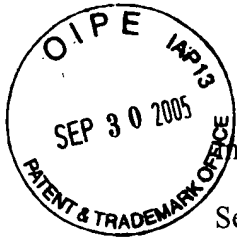


DAC  
PATENT Ifw

Attorney Docket No. SMTR-001/02US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



re application of Brad W. BLUMBERG et al.

Examiner: Julio R. Perez

Serial No.: 09/774,119

Art Unit: 2681

Filed: January 31, 2001

Confirmation No.: 1143

For: **POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD OF SEARCHING**

United States Patent and Trademark Office  
Customer Service Window, **Mail Stop Petition**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. 1.313(c)(2)**

In accordance with 37 C.F.R. 1.313(c)(2), Applicants petition the Director of Patents to withdraw the above-referenced application from issue to permit consideration of a Request for Continued Examination ("RCE") under 37 C.F.R. 1.114 accompanied by an Information Disclosure Statement under 37 C.F.R. 1.97.

The documents cited in the Information Disclosure Statement filed with the RCE were brought to Applicants' attention after payment of the issue fee on February 3, 2005. Applicant does not waive any right to appropriate action to establish patentability over the cited reference should it be applied against the pending claims.

As suggested in MPEP §1308, the undersigned has contacted the Office of Petitions and has been informed that sufficient time remains before the patent issue date to consider a petition under 37 CFR 1.313(c). In accordance with M.P.E.P. 1308, this

petition is sufficient grounds to waive the requirement that an application under 37 C.F.R. 1.114 be filed before payment of the issue fee. Accordingly, a Request for Continued Examination transmittal and fee is submitted herewith along with the IDS and PTO/SB/08A.

The petition fee as set forth in 37 C.F.R. 1.17(h) and the filing fee for the RCE as set forth in 37 C.F.R. 1.17(e) is enclosed. The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Prompt and favorable consideration of this petition is respectfully requested.

Dated: 9/30/05

Cooley Godward LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100

Respectfully submitted,  
**COOLEY GODWARD LLP**

By: Nancy A. Vashaw  
Nancy A. Vashaw  
Reg. No. 50,501